



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

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Arnold
Schwarzenegger
Governor

August 4, 2006

Mr. Ethan Guerra
Forks of Salmon Land Holding, LLC
P.O. Box 7404
Breckenridge, Colorado 80424

Dear Mr. Guerra:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification)
for the Horn Creek Bridge Replacement Project

File: Horn Creek Bridge Replacement
WDID No. 1A06084WNSI

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request for Water Quality Certification for activities related to replacement of a bridge on U.S. Forest Service Road 10N17 over Horn Creek in Siskiyou County. On June 14, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On July 13, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any public comments on this project.

Project Description: The proposed project involves installation of a new bridge slightly upstream of a historical bridge and an existing wet stream crossing. The proposed new bridge will be placed on concrete abutments and the bridge will span Horn Creek without any in-stream support pilings. The bridge will be approximately 12 feet wide and 60 feet long. The proposed project involves minor excavation on each side of Horn Creek to construct the concrete abutments and roadway approaches. Two steel beam girders will be placed between the abutments to span the creek channel and wood planks will be bolted to the steel girders to create the bridge deck. Rock slope protection will be installed around each abutment. The applicant is planning to install the bridge as soon as possible after obtaining the necessary permits. Proposed construction activities are anticipated to begin in August 2006, and the project is expected to take six weeks to complete.

Receiving Waters: Horn Creek in the Lower Salmon Hydrologic Subarea No. 105.21

Latitude/Longitude: 41.259N/123.332W

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 300 square feet of riparian vegetation

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: approximately 15 feet of riparian vegetation

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

Compensatory Mitigation: To compensate for permanent impacts to approximately 300 square feet of riparian vegetation on the upstream side of the north abutment, the applicant shall plant native riparian vegetation over a 300 square foot area located on the downstream side of the north abutment.

Noncompensatory Mitigation: Noncompensatory mitigation measures for this project include the use of Best Management Practices for sediment and turbidity control and the use of concrete near a waterway.

CEQA Compliance: The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 2, Section 15302, Replacement or Reconstruction).

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a

FERC license for a hydroelectric facility was being sought.

- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 3) All activities and Best Management Practices shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 4) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during and after construction.
- 5) The applicant shall minimize impacts to native riparian vegetation. The applicant shall mitigate direct impacts to native riparian vegetation by planting appropriate species of native riparian plants over a minimum of 300 square feet of the sparsely vegetated area on the downstream side of the north abutment.
- 6) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water

quality. If, at any time, an unauthorized discharge to surface waters occurs from fueling, lubrication, maintenance, storage or staging activities, the project shall cease immediately and Regional Water Board staff shall be notified promptly.

- 7) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. If, at any time, an unauthorized discharge of debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 8) All concrete wastes and water that contacts fresh concrete must be fully contained and disposed of properly in order to prevent any discharge to surface water or ground water.
- 9) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 10) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 12) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Horn Creek Bridge Replacement Project, (Facility No. 1A06084WNSI) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2007. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:

State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,
San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502